

IN RE: MIDLAND CREDIT MANAGEMENT,
INC., TELEPHONE CONSUMER
PROTECTION ACT LITIGATION

) Member cases: 10-cv-02261
) 10-cv-02600
) 10-cv-02368
) 10-cv-02370

) **DECLARATION OF DANIEL**
) **ROSENTHAL RE SETTLEMENT**
) **NOTICE PLAN AND NOTICE**
) **DOCUMENTS**

1. I am a Special Consultant to Kurtzman Carson Consultants (“KCC”), a class action
 2. administrator. KCC is located at 75 Rowland Way, Suite 250, Novato, California. I am
 3. 1 years of age and am not a party to this action. I have personal knowledge of all matters set
 4. herein unless otherwise indicated, and would testify thereto if called as a witness in this
 5. .

OVERVIEW

1

1 of websites to effectively reach the Class. The Notice Plan will reach approximately 75.2% of
2 likely Class members, on average 1.8 times each.¹

3 4. The reach of the Notice Program is consistent with other effective court-approved
4 notice programs, and is designed to meet due process requirements. The Federal Judicial Center's
5 (FJC) *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* (the
6 FJC Checklist) considers 70-95% reach among class members reasonable.

7 5. We have worked with the parties to develop various forms of notice for Court
8 approval. All forms of notice are designed to be noticeable, clear and concise, and written in plain,
9 easily understood language. Draft forms of the Notice are included as Exhibits to the Settlement
10 Agreement to be filed with the Court.

11 **EXPERIENCE RELEVANT TO THIS CASE**

12 6. I have more than 28 years of class action notice and administration experience, and
13 more than 40 years of advertising agency experience. Prior to 1986, I held positions in the
14 consumer products marketing field, including management positions with McCann-Erickson, a
15 leading international advertising agency. In 1986, I founded DANART Communications, the first
16 advertising agency to specialize in planning and placement of legal notices in all types of media. In
17 addition, from 1988 to 2000, I served as Managing Director of a leading class action
18 administration company, where I developed the methodology, computer systems and staff to
19 manage the company's consumer class action administrations. In 2000, I founded Rosenthal &
20 Company LLC ("Rosenthal"), a class action administration company. In 2010, KCC acquired
21 Rosenthal & Company and DANART Communications. In 2013, I became Special Consultant to
22 KCC, an advisory role in which I provide expertise in developing class action notice and
23 administration plans.

24 7. Some consumer case examples for which I have been involved in developing the
25 notice plan and notice documents include: *Verdejo, v. Vanguard Piping Systems*, No. BC448383

26
27 ¹ The reach or net reach of a notice program is defined as the percentage of a class that was exposed to a notice net of
any duplication among people who may have been exposed more than once. The average "frequency" of notice
exposure is the average number of times that those reached by a notice would be exposed to a notice.

(Sup. Ct. Cal.), a multi-state products liability settlement providing additional warranty coverage and reimbursement of costs and expenses due to leaks and reduced water flow of affected plumbing fittings; *In re Sony Vaio Computer Notebook Trackpad* Litigation, No. 9-cv-02109 (S.D. Cal.), a multi-state class action involving class members who purchased computers containing an allegedly defective trackpad pointing device; *Zeller v. E. & J. Gallo Winery*, No. BC432711 (Sup. Ct. Cal.), a national settlement involving class members who purchased wines that were allegedly mislabeled as pinot noir; *Credit/Debit Card Tying Cases*, J.C.C.P. No. 4335 (Sup. Ct. Cal.), a California state antitrust settlement involving consumers who made purchases with a Visa or Mastercard credit or debit card; *Williams v. Motricity, Inc.*, No. 2009CH19089 (Cir. Ct. Ill.) and *Walker v. Openmarket, Inc.*, No.08CH40592 (Cir. Ct. Ill.), national settlements involving cellular consumers who were allegedly billed for mobile content they did not purchase.

8. KCC is a class action administrator that specializes in providing comprehensive class action services including, but not limited to, pre-settlement consulting, email and postal mailing campaign implementation, website design, claims administration, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, class member data management, legal notification, call center support, claims administration and other related services critical to the effective administration of class action settlements. KCC has developed efficient, secure and cost-effective methods to properly handle the voluminous data and mailings associated with the noticing, claims processing and disbursement requirements of settlements to ensure the orderly and fair treatment of class members and all parties in interest.

9. KCC's business is national in scope. Since 2000, KCC (along with Rosenthal) has administered more than 2,000 matters. As part of these settlements, KCC has provided notice and administration services for cases with class members that range in numbers from 22 to over 26 million, and has distributed settlement payments totaling well over two billion dollars in the aggregate. KCC has administered class action administrations for such defendants as HP-Compaq, LensCrafters, United Parcel Service, Ford, Mitsubishi, Nissan, Whirlpool, ATI Video Cards and Twentieth Century Fox.

10. Some Telephone Consumer Protection Act case examples in which KCC has been involved with include: *Steinfeld v. Discover Financial Services*, No. 12cv01118 (N.D. Cal.); *Cummings v. Sallie Mae, Inc.*, No. 12cv9984 (N.D. Ill.); *Espinal v. Burger King Corporation*, No. 09cv20982 (S.D. Fla.); *Lozano v. 20th Century Fox*, No. 09cv06344 (N.D. Ill.); *Robles v. Lucky Brand Inc.*, No. 10cv04846 (N.D. Cal.); *Gibson v. QFA Royalties*, 06cv5849 (C.D. Cal.); *Newman v. AmeriCredit Financial Services, Inc.*, No. 11cv3041 (S.D. Cal.); *Hibler v. Santander Consumer USA Inc.*, No. 13cv01354 (C.D. Cal.); *Coffman v. Glide Talk, Ltd.*, No. 14CH08513 (Cir. Ct. Ill.); and *Aboudi v. T-Mobile USA, Inc.*, 12cv02169 (S.D. Cal.).

NOTICE PLAN SUMMARY

Class Target

11. The “Class” (or “Class members” or “Settlement Class”) consists of all persons in the United States who were called on a cellular telephone by Defendants or their subsidiaries, affiliates or related companies (other than calls made by Asset Acceptance LLC, Atlantic Credit & Finance, Inc. or Propel Financial Services) in connection with the collection of an alleged debt using a dialer or by artificial or prerecorded voice message without prior express consent during the period from November 2, 2006 through August 31, 2014, inclusive.

12. GfK MediaMark Research & Intelligence, LLC (“MRI”)² data was studied among adults who own a working cellular/mobile phone and usually or always carry a balance on their credit/debit cards (“Cell Phone Owners with a Credit Card Balance”), because this broad, over inclusive target group best represents the Class.

13. Knowing the characteristics, interests, and habits of a target group aids in the media selection process. Demographic highlights of Cell Phone Owners with a Credit Card Balance include the following: 98.2% speak English most often; 92.5% have graduated from high school

² GfK MRI is a nationally accredited research firm that provides consumer demographics, product and brand usage, and audience/exposure in all forms of advertising media. Established in 1979, MRI measures the usage of nearly 6,000 product and service brands across 550 categories, along with readership of hundreds of magazines and newspapers, internet usage, television viewership, national and local radio listening, yellow page usage, and out-of-home exposure. Based on a yearly face-to-face interview of 26,000 consumers in their homes, MRI’s Survey of the American Consumer™ is the primary source of audience data for the U.S. consumer magazine industry and the most comprehensive and reliable source of multi-media audience data available.

1 and 65.7% have attended college or beyond; 89.3% are 25 years of age or older and 70.1% are 35
 2 years of age or older; 88.9% live in a household consisting of two or more people, 71.0% live in a
 3 household consisting of two to four people, and 59.6% live in a household consisting of three or
 4 more people; 85.3% live in a Metropolitan CBSA;³ 78.9% are white; 77.4% have a household
 5 income of \$40,000 or more, 68.8% have a household income of \$50,000 or more, and 59.6% have
 6 a household income of \$60,000 or more; 74.0% live in County Size A or B;⁴ 70.9% own a home;
 7 65.2% own a home valued at less than \$500,000 and 53.9% own a home valued between
 8 \$100,000-\$499,999; 62.7% are working full time; 59.4% are married; 57.8% have lived at their
 9 current address for five or more years; and 52.0% are women.

10 14. On average, Cell Phone Owners with a Credit Card Balance are 45 years of age;
 11 have a household income of \$85,617; and own a home valued at \$238,135.⁵

12 15. Also important is the fact that, compared to the general adult population, Cell Phone
 13 Owners with a Credit Card Balance are 35.2% more likely to be employed as a manager or
 14 professional; 30.1% more likely to be working full time; 28.8% more likely to be working women;
 15 23.8% more likely to be 35-44 years of age, 18.2% more likely to be 45-54 years of age, and 8.7%
 16 more likely to be 18-49 years of age; 21.2% more likely to have a household income between
 17 \$100,000-\$149,999, 20.8% more likely to have a household income between \$75,000-\$99,999,
 18 and 19.3% more likely to have a household income of \$60,000 or more; 18.1% more likely to be

19
 20 ³ The Office of Management and Budget defines metropolitan and micropolitan statistical areas (metro and micro
 21 areas) as geographic entities for use by Federal statistical agencies in collecting, tabulating, and publishing Federal
 22 statistics. The term "Core Based Statistical Area" (CBSA) is a collective term for both metro and micro areas. A metro
 23 area contains a core urban area of 50,000 or more population, and a micro area contains an urban core of at least
 24 10,000 (but less than 50,000) population. Each metro or micro area consists of one or more counties and includes the
 25 counties containing the core urban area, as well as any adjacent counties that have a high degree of social and
 26 economic integration (as measured by commuting to work) with the urban core.

27 ⁴ Nielsen County Size classifications are based on Census household counts and metropolitan proximity. "A" counties
 28 are highly urbanized areas and belong to the 21 largest Metropolitan Statistical Areas. The combined counties contain
 40% of the United States households. "B" counties are counties not defined as A counties that have more than 85,000
 households. The combined counties contain 30% of United States households. "C" counties are counties not defined as
 A or B counties that have more than 20,000 households or are in Consolidated Metropolitan Areas or Metropolitan
 Statistical Areas with more than 20,000 households. The combined counties contain 15% of United States households.
 "D" counties are all counties not classified as A, B or C counties. They are considered very rural. The combined
 counties contain 15% of United States households.

⁵ The average age for U.S. adults is 47, the average household income is \$75,616, and the average home value is
 \$241,338.

1 parents; 17.1% more likely to have graduated from college or beyond and 13.8% more likely to
 2 have attended college; 15.4% more likely to own a home valued between \$100,000-\$199,999 and
 3 9.5% more likely to own a home valued between \$200,000-\$499,999; 13.5% more likely to live in
 4 a household consisting of three or four people and 5.1% more likely to live in a household
 5 consisting of five or more people; 11.2% more likely to be married; 9.7% more likely to be of
 6 Spanish, Hispanic or Latino origin or descent and 4.3% more likely to be white; 7.7% more likely
 7 to speak Spanish most often; 5.9% more likely to own a home; 5.3% more likely to live in the
 8 West Census Region; and 4.5% more likely to live in County Size A and 2.3% more likely to live
 9 in County Size B.

10 *Individual Notice*

11 16. A Postcard Notice will be mailed to approximately 6,182,898 Class members for
 12 whom a postal address is available. Prior to mailing, the names and addresses will be updated
 13 using the United States Postal Service (USPS) National Change of Address (NCOA) database,⁶
 14 certified via the Coding Accuracy Support System (CASS),⁷ and verified through Delivery Point
 15 Validation (DPV).⁸

16 17. Notices returned as undeliverable will be re-mailed to any new address provided by
 17 the Postal Service. Any returned mailing that does not contain a new address will be researched
 18 through a third party look-up service. Factoring in likely undeliverables, KCC estimates that the
 19 individual mailings alone will reach approximately 5,935,582 Class members or, assuming a broad
 20 class size of about 42 million potential Class members, 14.13% of the Class.

21 *Consumer Publications*

22 18. To build upon the individual notice reach base, a Summary Notice will be placed in
 23

24 ⁶ The NCOA database contains records of all permanent change of address submissions received by the USPS for the
 25 last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated
 with any reported move based on a comparison with the person's name and last known address.

26 ⁷ Coding Accurate Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding
 systems.

27 ⁸ Records that are ZIP+4 coded are then sent through Delivery Point Validation to verify the address and identify
 28 Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with
 incorrect addresses.

leading consumer publications.

Consumer Publications	Issuance	Notice Size	# of Insertions
<i>Cosmopolitan</i>	Monthly	Half page	1
<i>National Geographic</i>	Monthly	Half page	1
<i>People</i>	Weekly	Half page	2
<i>Reader's Digest</i>	Monthly	Full page (Digest)	1
TOTAL			5

19. The recommended publications include leading publications among Cell Phone Owners with a Credit Card Balance—*People* reaches 19.3% of Cell Phone Owners with a Credit Card Balance, *National Geographic* reaches 12.9%, *Reader's Digest* reaches 8.6%, and *Cosmopolitan* reaches 8.4%. Compared to the general adult population, readers of *Cosmopolitan* are 17.0% more likely to be Cell Phone Owners with a Credit Card Balance and readers of *People* are 6.5% more likely.

20. Placements will be tracked to ensure that they appear exactly as planned, as well as meet our high standards in terms of quality and positioning.

Internet Banners

21. Internet usage is high among Cell Phone Owners with a Credit Card Balance—90.6% of Cell Phone Owners with a Credit Card Balance have access to the internet at home using a computer, 90.0% have looked at or used the internet in the past 30 days, and 61.5% have looked at the internet on their cell phone or smartphone in the past 30 days. In addition, Cell Phone Owners with a Credit Card Balance are 10.5% more likely to have access to the internet at home using a computer, 10.7% more likely to have looked at or used the internet in the past 30 days, and 17.1% more likely to have looked at the internet on their cell phone or smartphone in the past 30 days, as compared to the general adult population. As a result, to further extend reach among the Class, KCC recommends purchasing 110.5 million *unique* internet banner impressions over a four

to six week period. The banners will be targeted to adult cell phone owners and will be embedded with a hyperlink to the settlement website.

Internet Description	Target	Impressions
Mobile Network	Adult Cell Phone Owners	500,000
Run of Network	Adult Cell Phone Owners	110,000,000
TOTAL		110,500,000

22. Sample run of network sites may include:



Response Mechanisms

26. An informational website will be established to allow Class members the ability to obtain additional information and documents about the settlement. The website address will be prominently displayed in all printed notice materials and accessible through a hyperlink embedded in the internet banner notices.

27. A toll-free number will be established to allow Class members to learn more about the settlement in the form of frequently asked questions. It will also allow Class members to

request to have more information mailed directly to them. The toll-free number will also be prominently displayed in all printed notice materials.

Reach and Frequency Delivered by the Notice Plan

28. The combined mailed and media effort will reach approximately 75.2% of likely Class members, on average 1.8 times each.

Notice Design

29. The Notices have been designed to be “noticed” and understood by Class members. They contain easy-to-read summaries of all of the key information affecting Class members’ rights and options. All information required by Federal Rule of Civil Procedure 23, as well the *Manual for Complex Litigation, Fourth*, has been incorporated in the notice documents. The ad units are adequately sized to attract attention to the notice. A Spanish tag line will be placed directly under the headline of the print notices to notify Spanish-speaking Class members to call the toll-free number or go to the website to receive a Notice in Spanish. Many courts, as well as the FJC, have approved notices that have been written and designed in a similar fashion.

CONCLUSION

30. The Notice Plan will effectively reach the Class and will deliver “noticeable” Notices to capture Class members’ attention and provide them with information necessary to understand their rights and options.

31. In my opinion, the Notice Plan is consistent with other effective settlement notice programs. It is the best notice practicable and meets the “desire to actually inform” due process communications standard of *Mullane*. It provides the same reach and frequency evidence that Courts have approved and that has withstood appellate scrutiny. The Notice Plan is also consistent with the 70-95% reach guideline set forth in the FJC’s Checklist.

32. At the conclusion of the Notice Plan, KCC will provide a final report verifying its adequacy and effective implementation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

1 Dated: November 5, 2015

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Daniel Rosenthal

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Exhibit 1



Legal Notification Services

Settlement Notice Plan

*In Re: Midland Credit Management, Inc.,
Telephone Consumer Protection Act
Litigation*

Case No. 11-md-2286-MMA (MDD)

**United States District Court
Southern District of California**

Prepared: November 4, 2015

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Media Terms

The following provides the meaning of media terms highlighted throughout the Notice Plan:

Audience: Net number of persons or different persons exposed to a media vehicle. It is larger than a publication's circulation because it includes pass-along readers who may obtain the publication second hand (e.g., from a reception room, neighbor, friend).

Circulation: Total number of publication copies sold through all channels of distribution (e.g. subscriptions, newsstand, bulk).

Frequency: Estimated average number of times a population group is exposed to a media vehicle or combination of media vehicles containing a notice within a given period of time.

Impressions or Exposures: Total number of opportunities to be exposed to a media vehicle or combination of media vehicles containing a notice. It is a gross or cumulative number that may include the same person more than once. Impressions can exceed the population size.

Reach or Coverage: Net percentage of a specific population group exposed to a media vehicle or a combination of media vehicles containing a notice at least once within a given period of time. Reach factors out duplication, representing the total different/net persons.

Selectivity Index: Shows the concentration of a specific population group relative to the general adult population. For example, a publication selectivity index of 175 among men indicates that the publication's readers are 75% more likely to be men as compared to the general adult population.

Media Resources

The resources KCC used to quantify our plan approach include the same resources used by media professionals to guide the billions of dollars of advertising we see today:

Alliance for Audited Media (AAM)

AAM is a nonprofit organization that connects North America's leading media companies, advertisers and ad agencies. Founded in 1914 as the Audit Bureau of Circulations, the AAM is the preeminent source of cross-media verification and information services, providing standards, audit services and data critical to the advertising industry. The organization independently verifies print and digital circulation, mobile apps, website analytics, social media, technology platforms and audience information for newspapers, magazines and digital media companies in the U.S. and Canada.

GfK Mediamark Research & Intelligence, LLC (MRI)

MRI is a nationally accredited research firm that provides consumer demographics, product and brand usage, and audience/exposure in all forms of advertising media. Established in 1979, MRI measures the usage of nearly 6,000 product and service brands across 550 categories, along with the readership of hundreds of magazines and newspapers, internet usage, television viewership, national and local radio listening, yellow page usage, and out-of-home exposure. Based on a yearly face-to-face interview of 26,000 consumers in their homes, MRI's *Survey of the American Consumer*™ is the primary source of audience data for the U.S. consumer magazine industry and the most comprehensive and reliable source of multi-media audience data available.

Telmar

Telmar is the world-leading supplier of computer based advertising media information services. Its software provides for survey analysis, data integration, media planning and optimization. With over 5,000 users in 85 countries, Telmar's clients include many of the world's leading advertising agencies, publishers, broadcasters and advertisers.

Program Overview

Objective

To design a notice program that will effectively reach Class members and capture their attention with notices communicated in clear, concise, plain language so that their rights and options may be fully understood. The FJC's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* considers 70-95% reach among class members reasonable.

Class Definition

The Class (Class members or Settlement Class) consists of all persons in the United States who were called on a cellular telephone by Defendants or their subsidiaries, affiliates or related companies (other than calls made by Asset Acceptance LLC, Atlantic Credit & Finance, Inc. or Propel Financial Services) in connection with the collection of an alleged debt using a dialer or by artificial or prerecorded voice message without prior express consent during the period from November 2, 2006 through August 31, 2014, inclusive.

Case Analysis

The Plaintiffs claim that on or after November 2, 2006, Defendants and their agents negligently and/or willfully contacted Plaintiffs on Plaintiffs' cellular telephones, in violation of the Telephone Consumer Protection Act, 47 U.S.C. §227 et seq. ("TCPA"), thereby invading Plaintiffs' privacy.

The following known factors were considered when determining our recommendation:

1. Class members are located throughout the U.S., including large cities and rural areas.
2. The Class size is estimated to include 42 million potential Class members.
3. Mailing addresses are available for approximately 6,182,898 known Class members; however, the individual notice effort must be supplemented with a consumer media campaign.
4. To calculate the reach of the media plan, KCC conservatively used a very broad MRI target of adults who own a working cellular/mobile phone and usually or always carry a balance on their credit/debit cards ("Cell Phone Owners with a Credit Card Balance").
5. Effective reach and notice content is vital to convey the importance of the information affecting Class members' rights, as well as to withstand challenge and collateral review.

Target Audience

To verify the program's effectiveness, MRI data was studied among Cell Phone Owners with a Credit Card Balance, because this broad, over inclusive target group indicates and best represents the Class.

Strategies

Individual notice will be mailed directly to approximately 6,182,898 known Class members. In addition, an extensive schedule of paid notices in well-read consumer magazines and on a variety of websites will provide the necessary reach among the Class.

Plan Delivery

The combined mailed and media effort will reach approximately 75.2% of likely Class members, on

average 1.8 times each.

Notice Design

The Notices will be designed to provide a clear, concise, plain language statement of Class members' legal rights and options. To ease response, the toll-free number and website address will be provided in all printed notice documents. In addition, a Spanish tag line will be placed directly under the headline of the print notices to notify Spanish-speaking Class members to call the toll-free number or go to the website to receive a Notice in Spanish.

The ad units are adequately sized to attract attention to the notice:

- Half-page units in standard sized publications
- Full-page units in digest sized publications
- Standard leaderboard (728x90 pixels), medium rectangle (300x250 pixels), and wide skyscraper (160x600 pixels) banner notices

Notice Schedule

The schedule below is a hypothetical schedule based on a preliminary approval date of x.

- Media funding and final ad approval = x +7 days
- Media campaign start = x +30 days
- Media campaign end = at the most, x +100 days
- Exclusion and objection deadline = x +130 days (i.e. approximately 30 days from the last notice appearance)

Notice Tactic	Issued	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
Individual Mailings											
<u>Consumer Magazines</u>											
<i>Cosmopolitan</i>											
<i>National Geographic</i>											
<i>People</i>											
<i>Reader's Digest</i>	Daily										
Internet Banner Notices	Monthly										
Settlement Website	Constant										

Blocks indicate when readers first receive publications (the on-sale date, not the issue/cover date). All media subject to change based on availability at the time of placement.

Target Analysis

Knowing the characteristics, interests, and habits of a target group aids in the media selection process.

Demographic Highlights

Demographic highlights of Cell Phone Owners with a Credit Card Balance include the following:

- 98.2% speak English most often;
- 92.5% have graduated from high school and 65.7% have attended college or beyond;
- 89.3% are 25 years of age or older and 70.1% are 35 years of age or older;
- 88.9% live in a household consisting of two or more people, 71.0% live in a household consisting of two to four people, and 59.6% live in a household consisting of three or more people;
- 85.3% live in a Metropolitan CBSA;¹
- 78.9% are white;
- 77.4% have a household income of \$40,000 or more, 68.8% have a household income of \$50,000 or more, and 59.6% have a household income of \$60,000 or more;
- 74.0% live in County Size A or B;²
- 70.9% own a home;
- 65.2% own a home valued at less than \$500,000 and 53.9% own a home valued between \$100,000-\$499,999;
- 62.7% are working full time;
- 59.4% are married;
- 57.8% have lived at their current address for five or more years; and
- 52.0% are women.

On average, Cell Phone Owners with a Credit Card Balance:³

- are 45 years of age;
- have a household income of \$85,617; and
- own a home valued at \$238,135.

¹ The Office of Management and Budget defines metropolitan and micropolitan statistical areas (metro and micro areas) as geographic entities for use by Federal statistical agencies in collecting, tabulating, and publishing Federal statistics. The term "Core Based Statistical Area" (CBSA) is a collective term for both metro and micro areas. A metro area contains a core urban area of 50,000 or more population, and a micro area contains an urban core of at least 10,000 (but less than 50,000) population. Each metro or micro area consists of one or more counties and includes the counties containing the core urban area, as well as any adjacent counties that have a high degree of social and economic integration (as measured by commuting to work) with the urban core.

² Nielsen County Size classifications are based on Census household counts and metropolitan proximity. "A" counties are highly urbanized areas and belong to the 21 largest Metropolitan Statistical Areas. The combined counties contain 40% of the United States households. "B" counties are counties not defined as A counties that have more than 85,000 households. The combined counties contain 30% of United States households. "C" counties are counties not defined as A or B counties that have more than 20,000 households or are in Consolidated Metropolitan Areas or Metropolitan Statistical Areas with more than 20,000 households. The combined counties contain 15% of United States households. "D" counties are all counties not classified as A, B or C counties. They are considered very rural. The combined counties contain 15% of United States households.

³ The average age for U.S. adults is 47, the average household income is \$75,616, and the average home value is \$241,338.

Compared to the general adult population, Cell Phone Owners with a Credit Card Balance are:

- 35.2% more likely to be employed as a manager or professional;
- 30.1% more likely to be working full time;
- 28.8% more likely to be working women;
- 23.8% more likely to be 35-44 years of age, 18.2% more likely to be 45-54 years of age, and 8.7% more likely to be 18-49 years of age;
- 21.2% more likely to have a household income between \$100,000-\$149,999, 20.8% more likely to have a household income between \$75,000-\$99,999, and 19.3% more likely to have a household income of \$60,000 or more;
- 18.1% more likely to be parents;
- 17.1% more likely to have graduated from college or beyond and 13.8% more likely to have attended college;
- 15.4% more likely to own a home valued between \$100,000-\$199,999 and 9.5% more likely to own a home valued between \$200,000-\$499,999;
- 13.5% more likely to live in a household consisting of three or four people and 5.1% more likely to live in a household consisting of five or more people;
- 11.2% more likely to be married;
- 9.7% more likely to be of Spanish, Hispanic or Latino origin or descent and 4.3% more likely to be white;
- 7.7% more likely to speak Spanish most often;
- 5.9% more likely to own a home;
- 5.3% more likely to live in the West Census Region; and
- 4.5% more likely to live in County Size A and 2.3% more likely to live in County Size B.

Source: 2014 MRI Doublebase Study

Media Selection

To create the optimal notice program, KCC evaluated the strengths and weaknesses of the various media, as well as their reach and frequency potential, composition, format/content and efficiencies. Our recommended media mix provides:

- Broad national coverage into the largest cities as well as the smallest towns throughout the nation;
- A written summary of key information that may be easily referred to or passed on to others as a result of placements in some of the largest and most well-read publications in the country;
- A direct link to the case website through the internet banner notices; and
- Easy access to the notice documents through an established case website.

Individual/Direct Notice

Mailed Notice

- Approximately 6,182,898 Postcard Notices will be mailed to the addresses of all known potential Class members for whom KCC has a postal address.
- Prior to mailing, the names and addresses will be:
 - Updated using the USPS National Change of Address (NCOA)⁴ database;
 - Certified via the Coding Accuracy Support System (CASS);⁵ and
 - Verified through Delivery Point Validation (DPV).⁶
- Notices returned as undeliverable will be re-mailed to any new address provided by the Postal Service.
- Any returned mailing that does not contain a new address will be researched through a third party look-up service.
- Factoring in likely undeliverables, KCC estimates that the individual mailings alone will reach approximately 5,935,582 Class members or, assuming a broad class size of about 42 million potential Class members, 14.13% of the Class.

⁴ The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person's name and last known address.

⁵ Coding Accurate Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding systems.

⁶ Records that are ZIP+4 coded are then sent through Delivery Point Validation to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

Consumer Magazines

To build on the individual notice reach base, KCC recommends notice placements in leading consumer magazines.

Consumer Magazine	Issuance	Notice Size	# of Insertions
<i>Cosmopolitan</i>	Monthly	Half page	1
<i>National Geographic</i>	Monthly	Half page	1
<i>People</i>	Weekly	Half page	2
<i>Reader's Digest</i>	Monthly	Full page (Digest)	1
TOTAL			5

- Provides a variety of editorial formats (e.g., entertainment, fashion and general interest) to reduce duplication among readers and extend reach among different demographic segments
- Includes half page notices (full page in the digest size publication) to attract attention and enhance readership with adequately sized text
- Includes some of the largest circulating publications in the country
- Positioning will be sought opposite articles, cover stories, or editorial features with documented high readership
- All placements will be tracked to ensure that they appear exactly as planned as well as meet our high standards in terms of quality and positioning

The following provides details for each of the recommended consumer magazines:

COSMOPOLITAN

- Circulation: 3,066,070
- Adult Audience: 16,802,000
- Monthly magazine providing editorial on relationships and romance, fashion and beauty, women's health and well-being, as well as pop culture and entertainment
- Reaches 8.4% of Cell Phone Owners with a Credit Card Balance
- Readers are 17.0% more likely to be Cell Phone Owners with a Credit Card Balance, as compared to the general adult population
- Extends reach among young, single women



NATIONAL GEOGRAPHIC

- Circulation: 3,538,623
- Adult Audience: 31,155,000

- Monthly magazine with editorial focusing on culture, nature, geography, ecology, science and technology and encompassing people and places of the world
- Reaches 12.9% of Cell Phone Owners with a Credit Card Balance
- Extends reach among affluent, educated adults

People

- Circulation: 3,537,318
- Adult Audience: 42,726,000
- Weekly entertainment magazine featuring celebrity news, biographies and gossip
- Reaches 19.3% of Cell Phone Owners with a Credit Card Balance
- Readers are 6.5% more likely to be Cell Phone Owners with a Credit Card Balance, as compared to the general adult population
- Provides a large number of pass along readers

Reader's Digest

- Circulation: 3,067,649
- Adult Audience: 22,876,000
- Monthly general interest and family magazine
- Reaches 8.6% of Cell Phone Owners with a Credit Card Balance
- Audience skews slightly older

Internet Banners

90.6% of Cell Phone Owners with a Credit Card Balance have access to the internet at home using a computer, 90.0% have looked at or used the internet in the past 30 days, and 61.5% have looked at the internet on their cell phone or smartphone in the past 30 days. In addition, Cell Phone Owners with a Credit Card Balance are 10.5% more likely to have access to the internet at home using a computer, 10.7% more likely to have looked at or used the internet in the past 30 days, and 17.1% more likely to have looked at the internet on their cell phone or smartphone in the past 30 days, as compared to the general adult population. As a result, to further extend reach among the Class, KCC recommends purchasing 110.5 million *unique* internet banner impressions over a four to six week period. The banners will be targeted to adult cell phone owners and will be embedded with a hyperlink to the settlement website.

Internet Description	Target	Impressions
Mobile Network	Adult Cell Phone Owners	500,000
Run of Network	Adult Cell Phone Owners	110,000,000
TOTAL		110,500,000

Sample run of network sites may include:



Response Mechanisms

Case Website

- Provides a simple way for Class members to learn more about the settlement
- Allows Class members the ability to obtain additional information and documents including the Detailed Notice, Summary Notice, Settlement Agreement, and any other information that the parties may agree to provide or that the Court may require
- Prominently displayed in all printed notice materials and accessible through a hyperlink embedded in the internet banner ads

Toll-Free Telephone Support

- Provides a simple way for Class members to obtain additional information about the settlement
- Allows Class members the opportunity to learn more about the case in the form of frequently asked questions and answers
- Allows Class members to request to have more information mailed directly to them
- Prominently displayed in all printed notice materials

Notice Design Strategies

The design and content of all of the notice materials are consistent with the FJC's "illustrative" forms of model plain language notices, available at www.fjc.gov.

Postcard and Publication Summary Notices

- Bold headline captures attention and speaks directly to Class members, alerting them that they should read the Notice and why it is important
- Prominent notice size promotes attention, readership, and comprehension
- Legal significance is highlighted to ensure readers that the communication carries legitimate information from the court and not commercial advertising
- Concise plain language without "legalese" enhances comprehension
- Content includes all critical information in simple format
- Toll-free number and case website invite response, allowing Class members the opportunity to obtain additional information
- Spanish tag line directly under the headline notifies Spanish-speaking Class members to call the toll-free number or go to the website to receive a Notice in Spanish.

Detailed Notice

- Prominent "Your Rights and Options" table on first page immediately informs readers of their rights and options in the case
- Table of Contents and question and answer format allow Class members to easily locate information
- Bold headline captures attention and speaks directly to Class members, alerting them that they should read the Notice and why it is important
- Concise plain language without "legalese" enhances comprehension
- Provides more detailed information than that of a Summary Notice
- Content includes all essential information in simple format
- Toll-free number and case website invite response, allowing Class members the opportunity to obtain additional information
- Spanish tag line directly under the headline notifies Spanish-speaking Class members to call the toll-free number or go to the website to receive a Notice in Spanish.

Internet Banner Notices

- Simple rotating message alerts Class members about the litigation
- An embedded link allows immediate access to the case website